

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 993 - SB 1432

March 31, 2021

SUMMARY OF BILL: Requires, by July 1, 2022, all local law enforcement agencies to provide body-worn cameras to their officers. Requires all state and local law enforcement officers to wear and activate body-worn cameras when interacting with a member of the public. Creates a rebuttable presumption in any criminal or civil investigation and legal proceeding that any missing footage from a body-worn or dash camera would have reflected misconduct on the part of the officer if the officer fails to activate or tampers with such cameras. Allows law enforcement departments unable to comply with the above requirements to apply to the Attorney General and Reporter (AG) for a one-year waiver to meet such requirements.

Requires all unedited audio and video recordings of any incident to be released to the public within 14 days of the incident. Requires state and local law enforcement agencies to annually report the following annually to the AG:

- certain data regarding instances of the use of force by an officer that results in serious bodily injury or death;
- all instances of an officer resigning during an investigation for violation of department policies;
- specific data regarding officer stops; and
- all instances of unannounced, warrant or warrant-less entry into a residence.

Prohibits reporting of any unique, personal, and identifying information of the subject or victim of officer misconduct or anyone who is stopped, searched, or subject to property seizure. The AG is required to maintain a statewide, searchable database on its website of the information reported by law enforcement agencies and annually publish a report of such information.

Requires the immediate termination and revocation of certification of an officer under certain circumstances. Prohibits the POST Commission from reinstating or granting a new certification to any officer in these instances and requires the commission to maintain a searchable database on its website of any decertified officers.

Requires officers to have an objective justification for making any stop and further report certain information related to each individual stop. All officers are to provide to each individual stopped or detained a business card with identifying information and information explaining the procedures to provide feedback of the stop or file a complaint against the officer. Establishes necessary information for and requirements of any complaint filed.

Prohibits any law enforcement officer from using a choke hold or other respiratory restraining maneuver on any suspect, defendant, or person and removes any choke hold and respiratory restraining maneuver training from statute.

Removes the legal status and immunity for sworn federal law enforcement officers to make an arrest for a nonfederal offense.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures – Exceeds \$315,200/FY21-22
Exceeds \$105,200/FY22-23 and Subsequent Years**

Other Fiscal Impact – The exact amount of resources necessary to implement body-worn cameras by law enforcement agencies statewide is unknown. For each agency required to implement a body-worn camera system, it is reasonably estimated to result in expenditures of at least \$300,000 per agency.*

Assumptions:

- The AG's office will incur a significant increase in expenditures to create and maintain a statewide database on its website, as well as collect and compile the significant amount of information required by the proposed legislation into a report annually. Based on estimates related to similar statewide databases, it is reasonably estimated the creation of such database will result in a one-time increase in expenditures of at least \$150,000 and a recurring increase of at least \$25,000 for continual maintenance and updates to such system.
- It is further assumed the AG's office will need to hire a data analyst to collect all data, maintain the integrity of the data, and compile the annual report. It is reasonably estimated the position will result in recurring expenditures of \$80,210 (\$63,000 salary + \$17,210 benefits) and at least \$10,000 in one-time expenditures for office set-up and analytical equipment.
- It is unknown how many law enforcement agencies across the state do not currently require or are not planning to implement the use of body-worn cameras by their officers. Based on nationwide data, cost estimates to implement and maintain body-worn cameras can vary greatly depending on the type of camera, the size of the agency, the equipment needed to retain and maintain the data collected by the camera, and whether or not the agency contracts for the services or implements the system in house.
- While the exact cost is unknown, it is reasonably estimated that any implementation of body-worn cameras by officers will result in a recurring increase in expenditures of at least \$300,000 per law enforcement agency.
- It is assumed the POST Commission will incur a one-time increase in expenditures of at least \$50,000 to create a searchable database of decertified officers. Any costs to maintain such database is estimated to be not significant.
- Removing the legal status and immunity for sworn federal law enforcement officers to make an arrest for a nonfederal offense will not substantially impact total nonfederal arrests or convictions.
- The proposed legislation is estimated to result in an increase in expenditures of \$315,210 (\$150,000 + \$25,000 + \$80,210 + \$10,000 + \$50,000) in FY21-22 and \$105,210 (\$25,000 + \$80,210) in FY22-23 and subsequent years.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid.

Krista Lee Carsner, Executive Director

/jg